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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

In re L.A. et al., Persons Coming Under the  
Juvenile Court Law.

KERN COUNTY DEPARTMENT OF HUMAN  
SERVICES,

Plaintiff and Respondent,

v.

S.A.,

Defendant and Appellant.

F078156

(Super. Ct. Nos. JD138106,  
JD138107, JD138108)

**OPINION**

**THE COURT\***

APPEAL from a judgment of the Superior Court of Kern County. Raymonda B. Marquez, Judge.

Richard L. Knight, under appointment by the Court of Appeal, for Defendant and Appellant.

Margo A. Raison, County Counsel, and Judith M. Denny, Deputy County Counsel, for Plaintiff and Respondent.

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\* Before Poochigian, Acting P.J., Detjen, J. and Smith, J.

Appellant Susan A. (mother) has three daughters, now 14, 15, and 16 years of age, who became juvenile court dependents in May 2018 when the court sustained allegations the eldest was sexually battered and assaulted by her father from the age of 11 to 15 and suffered serious emotional damage as a result. (Welf. & Inst. Code,<sup>1</sup> § 300, subds. (c) and (d).) The court also found true allegations mother failed to protect her daughter and her two other daughters were at similar risk of being sexually abused. (§ 300, subd. (d).) The court placed the children with mother under a plan of family maintenance, which required her to participate in mental health and sexual abuse counseling. The court denied the father reunification services. (§ 361.5, subd. (b)(6).)

In September 2018, mother filed a modification petition under section 388 asking the juvenile court to dismiss the dependency petition and award her sole legal and physical custody of her daughters because she completed her court-ordered services and custody would allow her and her children to move on.

The juvenile court summarily denied mother's section 388 petition, explaining she failed to show her circumstances had changed in the four weeks since she completed her counseling.

Mother filed a notice of appeal from the juvenile court's summary denial, contending the court erred in not conducting an evidentiary hearing. On December 6, 2018, while this appeal was pending, respondent advised this court in a letter that mother's appeal was rendered moot on November 20, 2018, when the juvenile court returned the children to her legal and physical custody at a family maintenance review hearing (§ 364) and terminated its jurisdiction. Respondent attached certified copies of the minute orders dated November 20, 2018, and asked this court to dismiss the appeal.

By a letter dated March 22, 2019, this court notified the parties that it was considering dismissing the appeal as moot because it could not render any effectual relief

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<sup>1</sup> Statutory references are to the Welfare and Institutions Code.

in light of the subsequent orders. This court invited the parties to file supplemental briefing on the propriety of taking judicial notice of the juvenile court's minute orders, and whether mother's appeal was rendered moot by subsequent events in the juvenile court. The parties were advised that failure to respond would result in dismissal of the appeal as moot. No supplemental briefing was filed.

In light of the foregoing, this court takes judicial notice of the juvenile court's November 20, 2018, minute orders and dismisses the appeal as moot.

#### **DISPOSITION**

The appeal is dismissed.